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EXAMINER

CHEN, VIVIAN

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

02/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ADVISORY ACTION

1. Claims 5-6 have been cancelled by Applicant.

Response to Proposed Amendment

2. The proposed amendments will **NOT** be entered because they raise new issues that would require further consideration and/or search. The amended claim limitations with respect to the film's average reflectance when irradiated and the newly added claim limitations with respect to the difference in reflectance before and after irradiation has not been previously presented.

Claim Rejections - 35 USC § 103

3. Claims 1-4, 7-11 remain rejected under 35 U.S.C. 103(a) as being unpatentable over:
JP 10-193494 (JP '494),
in view of ROSENBAUM ET AL (US 6,815,079),
for the reasons stated in the previous Office Action.

Response to Arguments

4. Applicant's arguments filed 1/26/2009 (with respect to average reflectance at least 98% over the recited range of wavelengths when irradiated) have been considered but are deemed moot because the proposed amendments have **NOT** been entered.

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5. Applicant's arguments filed 1/26/2009 have been fully considered but they are not persuasive.

(A) Applicant argues that JP '494 fails to teach or disclose the claimed invention because the reference fails to disclose or suggest the adjusting the film's reflectance to within the recited broad range of wavelengths both before and after irradiation. However, contrary to Applicant's assertions, it is well within the ability of one of ordinary skill in the art to adjust the optical characteristics of films (e.g., transmission and reflectance of various wavelengths, etc.) by a variety of established techniques (e.g., incorporation of one or more pigments and/or opacifying agents; the amount of voiding in the film, etc.) to meet the optical requirements of a specific end-use. The selection of the range (or bandwidth) of light wavelengths reflected by a film is typically a matter of design choice, dictated by the optical requirements of a given application (e.g., the visual appearance of the resultant product, decorative and aesthetic considerations, etc.). In the case of JP '494, the film is primarily intended for use in LCD displays, especially paper white-colored displays (i.e., having a white-colored reflection or appearance), which would imply that the film has a high degree of reflectance throughout the range of wavelengths associated with visible light (typically 400-700 nm). If the JP '494 films had a high reflectance at only 550 nm (or over a very narrow bandwidth around 550 nm), as argued by Applicant, the resultant films would most likely have a decidedly off-white or colored appearance which is not desirable for the proposed applications disclosed in the reference. In lieu of any persuasive evidence to the contrary, it is the Examiner's position that: (1) the white-reflecting films in JP '494 have a high degree of reflectance not only at the test point of 550 nm, but throughout the range of visible light wavelengths; and (2) one of ordinary skill in the art is readily capable of

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tailoring the reflectance properties of the JP '494 films using conventional methods and/or additives to produce films with a high reflectance throughout the range of visible wavelengths.

(B) With respect to Applicant's arguments the films of JP '494 do not teach or suggest films having the specified reflectance properties over the recited wavelength range of 420-700 nm after exposure to UV radiation as recited in the claims, the Examiner notes that the claims do not specify what wavelength or duration constitutes "irradiated by". The term "irradiated" can be reasonably interpreted as referring to any exposure to any sort of radiation for any duration; "irradiate" can be also reasonably interpreted as generally referring to any sort of illumination or exposure to light, again, without specificity as to duration and wavelength.

MPEP 2111 [R-5] Claim Interpretation;

Broadest Reasonable Interpretation

CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION

During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." >The Federal Circuit's en banc decision in *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) expressly recognized that the USPTO employs the "broadest reasonable interpretation" standard: The Patent and Trademark Office ("PTO") determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction "in light of the specification as it would be interpreted by one of ordinary skill in the art." In re *Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364[, 70 USPQ2d 1827] (Fed. Cir. 2004).

Therefore, in lieu of any explicit definitions in the specification, limitations in the claims, and/or other evidence to the contrary, the phrase "an average reflectance of 90% or more in a wavelength region of 420 nm to 700 nm when irradiated with light" as recited in the claims is deemed to fully met by a film which is capable of displaying the stated average reflectance in the stated wavelength range upon any exposure to light, irrespective of intensity or duration. Furthermore, since extended use-life is generally highly desirable in products, it would be an obvious modification for one of ordinary skill in the art to use well established methods such as

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the use of suitable additives (e.g., UV stabilizers, UV absorbers, thermal or hydrolysis stabilizers, etc.) to minimize the well known detrimental effects (e.g., hazing, yellowing, etc.) of various environmental factors (e.g., UV radiation, heat, moisture, etc.) that would otherwise negatively affect the optical performance and use-life of the JP '494 films. Applicant has not provided any persuasive evidence to the contrary.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivian Chen whose telephone number is (571) 272-1506. The examiner can normally be reached on Monday through Thursday from 8:30 AM to 6 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks, can be reached on (571) 272-1401. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

The General Information telephone number for Technology Center 1700 is (571) 272-1700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 3, 2009

/Vivian Chen/

Primary Examiner, Art Unit 1794